

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Petitions for Waiver or Temporary Extension)	
Of the Requirement to Provide)	
Local Number Portability to CMRS Providers)	DA 03-3014
To: Wireline Competition Bureau		

**COMMENTS
OF THE
ALABAMA RURAL LOCAL EXCHANGE CARRIERS**

In accordance with the Federal Communications Commission's ("FCC" or "Commission") Public Notice dated October 2, 2003, the Alabama Rural Local Exchange Carriers ("Alabama Rural LECs")¹ file these comments in support of the petitions of Franklin Telephone Company, LLC, Inter-Community Telephone Company, LLC and North Central Telephone Cooperative, Inc. ("Petitioners") for waiver or temporary extension of the FCC's rules that require Local Exchange Carriers ("LECs") to provide local number portability ("LNP") to a requesting Commercial Mobile Radio Service ("CMRS") provider ("WLNP") by November 24, 2003. The

¹ The Alabama Rural LECs are comprised of the following rural Alabama local exchange telephone companies: Ardmore Telephone Company, Blountsville Telephone Company, Inc., Brindlee Mountain Telephone Company, Inc., Butler Telephone Company, Inc., Castleberry Telephone Company, Inc., Farmers Telephone Cooperative, Inc., Graceba Total Communications, Inc., GTC, Inc. (d/b/a GTCom), Gulf Telephone Company, Hayneville Telephone Company, Inc., Hopper Telecommunications Company, Inc., Interstate Telephone Company, Millry Telephone Company, Inc., Mon-Cre Telephone Cooperative, Inc., Moundville Telephone Company, Inc., National Telephone of Alabama, Inc., New Hope Telephone Cooperative, Inc., Oakman Telephone Company, OTELCO Telephone LLC, Peoples Telephone Company, Pine Belt Telephone Company, Inc., Ragland Telephone Company, Roanoke Telephone Company, Inc., Union Springs Telephone Company, Inc. and Valley Telephone Company.

Alabama Rural LECs agree with Petitioners that LECs must be extended a waiver or temporary extension of their requirement to implement WLNP. Said waiver or temporary extension is necessary to prevent implementation of a version of number portability not required under the current statutory regime and to avoid application of requirements that are unduly economically burdensome on LECs.

Grant of the Petitioners' waiver or petition for temporary extension is necessitated by the recent avalanche of number portability requests by some wireless carriers made without any showing that porting would enable telecommunications users to retain their telephone numbers at the same location that those numbers are being used today. As noted by the Petitioners, such portability is not the "service provider portability" contemplated in the current statutory regime, *i.e.*, "the ability of users to telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."²

Incumbent LEC numbers, rural or otherwise, have a fixed geographical identity within a rate center area. Porting such numbers to a wireless provider with the capability and obvious intent of allowing the subscriber to use the number on a mobile basis well outside the boundaries of the original service location "rate center" area is, by definition, location portability that this Commission has declined to require.³

² The Telecommunications Act of 1996, Section 3(30), 47 U.S.C. § 153(30). [emphasis added.]

³ See *In the Matter of Telephone Number Portability: First Report and Order and Further Notice of Proposed Rulemaking*, 11 F.C.C.R. 8352, 84447 through 84449 (1996) ("Number Portability Decision").

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The imposition of the new obligation of location portability on rural ILECs should not occur on a de facto basis without the benefit of a proceeding that reviews the implications of a change in the nature of local number portability. The Commission should grant this waiver and a general waiver to all similarly situated rural ILECs receiving requests to port numbers beyond their rate center borders. A general waiver would allow time for the Commission to define the wireline to wireless obligations for LNP as it has said it would do in a separate item.⁴

LECs should not be required to expend limited resources in a case-by-case effort to fend off inappropriate requests for location portability. Until the FCC (or an individual state) requires location portability, CMRS carriers must demonstrate that ported numbers will be used only within the Petitioners' rate center from which they are ported.

For high cost areas like those served by the Alabama Rural LECs, location portability will generate unnecessary and burdensome costs. In the case of the Alabama Rural LECs, only one has more than 20,000 access lines. Of the 24 remaining LECs, 21 have less than 10,000 access lines in Alabama, with 15 of that total having less than 5,000. In fact, only three of the Alabama Rural LECs have Alabama service areas within one of the largest 100 metropolitan statistical areas ("MSA") – Gulf Telephone Company, Inc. (Mobile MSA), Oakman Telephone Company (Birmingham MSA) and Ragland Telephone Company, Inc. (Birmingham MSA). Of these three, Ragland Telephone Company, Inc. has less than 2,000 access lines. Obviously, the customer base of most of the Alabama Rural LECs is quite small. The Alabama LECs have no reason to anticipate that their hardware and software costs for implementing WLNP would be less than

⁴ See Memorandum and Order in *In the Matter of Telephone Number Portability-Carrier Requests for Clarification of Wireless-Wireless Porting Issues* (FCC 03-237) (rel. Oct. 7, 2003).

those significant costs articulated by the Petitioners. As noted by in their filings, absent a “customer base over which to spread [a LEC’s] costs”⁵, it becomes impossible to reach any conclusion other than the implementation of intermodal number portability will cause severe economic burdens for LECs, with few, if any corresponding public benefits.

Simply put, the Alabama Rural LECs agree with Petitioners that if small LECs are required to respond to any request that does not demonstrate that ported numbers will be used only within the rate center from which they are ported, they will face a significant adverse economic impact that is unduly economically burdensome. There are valid reasons why the FCC chose not to require location portability. The creation of unnecessary and burdensome costs on carriers and on directory, operator, and emergency service providers is just one.⁶

⁵ *In the Matter of Telephone Number Portability*, Petition for Waiver of North Central Telephone Cooperative, Inc., CC Docket No. 95-116 (filed Sept. 24, 2003) at p. 6, citing *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996: Third Report and Order and Second Order on Reconsideration* in CC Docket No. 96-68 and CC Docket No. 99-200, 17 F.C.C.R. 252, 262 (2001).

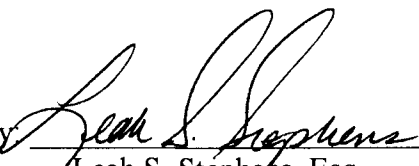
⁶ *Number Portability Decision* at 8444-8449.

CONCLUSION

The Commission should grant the Petitioners' request for waiver or temporary extension of the requirement for LECs to implement number portability within six months after a request by a CMRS provider. Said waiver or temporary extension is necessary to prevent implementation of a version of number portability not required under current Statutes or FCC Rules and to avoid the imposition of unnecessary costs on LECs.

Respectfully submitted,

Alabama Rural LECs

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October 17, 2003

CERTIFICATE OF SERVICE

I, Leah S. Stephens, hereby certify that on this 17th day of October, 2003, a true and correct copy of the above and foregoing COMMENTS OF THE ALABAMA RURAL LOCAL EXCHANGE CARRIERS has been forwarded by U.S. Mail (unless otherwise designated), first class, postage prepaid and properly addressed to:

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